

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 SENATE BILL 786

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to health care; prohibiting physician
8 or other healthcare professional from providing
9 certain services to minor; authorizing certain civil
10 action; specifying who may bring an action; allowing
11 unlimited time period for commencement of an action
12 subject to certain conditions; creating certain
13 rebuttable presumption; providing for dismissal of
14 cause of action under certain condition; authorizing
15 award of certain damages or relief; providing for
16 recovery of court costs and reasonable attorney fees;
17 providing for codification; and providing an
18 effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2607.1 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A. A physician or other healthcare professional shall not
24 provide to any individual under eighteen (18) years of age:

- 25 1. Hormone therapy; or
- 26 2. Puberty blocking drugs, unless such drugs are medically
27 necessary. For the purpose of this paragraph, a gender transition
28 shall not constitute medical necessity.

1 B. A person may bring an action against a physician or other
2 healthcare professional who provided hormone therapy to the person
3 or prescribed to the person a puberty blocking drug if the hormone
4 therapy or puberty blocking drug caused the person to not be able to
5 enjoy the natural reproductivity functions of child bearing and
6 rearing that the person would have enjoyed if not for the hormone
7 therapy or puberty blocking drug.

8 C. If the person is under eighteen (18) years of age, he or she
9 may bring an action throughout their minority through a parent or
10 legal guardian, and may bring an action in their own name upon
11 reaching majority.

12 D. 1. Notwithstanding any other provision of law, there shall
13 be no time limitation for the commencement of an action brought
14 under this section except as provided by this subsection.

15 2. There shall be a rebuttable presumption that the plaintiff,
16 based solely on his or her age, would be capable of bearing children
17 if not for the hormone therapy or puberty blocking drug.

18 3. If the presumption described in paragraph 2 of this
19 subsection is successfully rebutted, the court shall dismiss the
20 cause of action.

21 E. A plaintiff who establishes a violation of subsection A of
22 this section and who can show that he or she has suffered harm as
23 described in subsection B of this section may be granted:
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1 1. Compensatory damages appropriate to the loss of natural
2 reproductivity functions as described in subsection B of this
3 section;

4 2. Punitive damages; or

5 3. Any other appropriate relief.

6 F. A plaintiff who establishes a violation of subsection A of
7 this act and who can show that he or she has suffered harm as
8 described in subsection B of this section shall recover court costs
9 and reasonable attorney fees.

10 SECTION 2. This act shall become effective November 1, 2023.

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